IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIRST DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 7013 of 2001

Between:

K.Laxminayana S/o.K.Venkatram, age:51 years,
Occ:Govt.Servant, R/o.H.No.1-1-9/17/1,
New Mothinagar, Mahabubnagar Proper.

... PETITIONER

AND

1) The Managing Director, A.P.State Financial Corporation, Chiragali Lane, Abids, Hyderabad.
2) The Branch Manager, A.P.State Financial Corporation, Ayyappa Complex, Opp.Police Head quarters, Mahabubnagar.
3) Sri Raghavulu S/o.A.Narayana, age:43 years, Occu:Prop.M/s.Raghavendra Colour Lab, Modern High School Complex, Shop No.4, Mahabubnagar.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction, more particularly a writ in the nature of mandamus, declaring the action of the respondents in not returning the title deeds which were kept in collateral security for loan account No.62199013 as being illegal, arbitrary and in violation of the agreement, and consequently direct the respondents to release the title documents forthwith.

Counsel for the Petitioner:MR.M.A.ASHFAQ MOHIUDDIN

Counsel for the Respondents 1&2: MR.Y.NEELA LOHITHA SASTRY

Counsel for the Respondent No.3: MR.GOPAL

The Court made the following :

O R D E R:

Heard both sides and at their request, the main writ petition itself is taken up for disposal.

The petitioner, who is a guarantor for the loan amount obtained by the third respondent, filed this writ petition, *inter alia,* for a writ of mandamus to declare the action of the respondents in not returning the title deeds, which were kept as collateral security under the aforesaid loan account No.62199013, as illegal.

The case of the petitioner, apart from various other reasons, is that having regard to the cyclone effect and other circumstances as pointed out, the respondents could not have kept the security for such a long time, and as a result, the petitioner has suffered a substantial loss. Though he has filed a representation earlier, no action has been taken on the same and hence, the writ petition.

Having considered the submissions made and also on perusal of the material, it is seen that the case of the petitioner is only to consider for return of the title deeds under the given circumstances. Having regard to the same, it is not necessary to go into the merits of the case. In the said circumstances, I do not find any merits in the writ petition.

It is always open to the petitioner to approach the respondents 1 and 2 and file a representation for any such relief to which he is entitled to under law, within a period of four weeks from today, and on such receipt, the same shall be disposed of on merits, after giving an opportunity to the petitioner, in accordance with law.

Writ petition is accordingly dismissed. No costs.

21st September, 2004

Note: Copy in one week.
(B/o)
pan/ghn

To

1) The Managing Director,
   A.P.State Financial Corporation,
   Chiragali Lane, Abids, Hyderabad.
2) The Branch Manager,
   A.P.State Financial Corporation,
   Ayyappa Complex, Opp.Police Head quarters,
   Mahabubnagar.
3) Two C.Ds.